

terror. As our troops risk their lives to fight terrorism, this bill will ensure they are prepared to defeat today's enemies and ad-

dress tomorrow's threats. I look forward to signing this bill into law.

NOTE: The statement referred to H.R. 5631.

Statement on Signing the Department of Defense Appropriations Act, 2007 *September 29, 2006*

Today, I have signed into law H.R. 5631, the "Department of Defense Appropriations Act, 2007." The Act appropriates the funds needed to fight the war on terror, advance other United States interests around the world, and support our Armed Forces. The Act also continues funding for Government programs for which the Congress has not yet enacted regular appropriations acts.

Sections 8007, 8084, and 9005 of the Act prohibit the use of funds to initiate a special access program or a new start program, unless the congressional defense committees receive advance notice. The Supreme Court of the United States has stated that the President's authority to classify and control access to information bearing on the national security flows from the Constitution and does not depend upon a legislative grant of authority. Although the advance notice contemplated by sections 8007, 8084, and 9005 can be provided in most situations as a matter of comity, situations may arise, especially in wartime, in which the President must act promptly under his constitutional grants of executive power and authority as Commander in Chief of the Armed Forces while protecting certain extraordinarily sensitive national security information. The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President.

Section 8050 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for fiscal year 2007 may be used

to transfer defense articles or services, other than intelligence services, to another nation or an international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations, until 15 days after the executive branch notifies six committees of the Congress of the planned transfer. To the extent that protection of the U.S. Armed Forces deployed for international peacekeeping, peace enforcement, or humanitarian assistance operations might require action of a kind covered by section 8050 sooner than 15 days after notification, the executive branch shall construe the section in a manner consistent with the President's constitutional authority as Commander in Chief.

A proviso in the Act's appropriation for "Operation and Maintenance, Defense-Wide" purports to prohibit planning for consolidation of certain offices within the Department of Defense. Also, sections 8010(b), 8032(b), and 8089 purport to specify the content of portions of future budget requests to the Congress. The executive branch shall construe these provisions relating to planning and making of budget recommendations in a manner consistent with the President's constitutional authority to require the opinions of the heads of departments, to supervise the unitary executive branch, and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.

Section 8005 of the Act, relating to requests to congressional committees for reprogramming of funds, shall be construed

as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in *INS v. Chadha*.

The executive branch shall construe section 8093, relating to integration of foreign intelligence information, in a manner consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch. Also, the executive branch shall construe sections 8095 and 8101 of the Act, which purport to prohibit the President from altering command and control relationships within the Armed Forces, as advisory, as any other construction would be inconsistent with the constitutional grant to the President of the authority of Commander in Chief.

The executive branch shall construe provisions of the Act relating to race, ethnicity, gender, and State residency, such as sec-

tions 8013, 8018 and 8048, in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.

Sections 8039 and 8064 of the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act and to direct compliance with a classified annex which was not incorporated into the Act and for which presentment was not made. The executive branch shall construe all these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.

GEORGE W. BUSH

The White House,
September 29, 2006.

NOTE: H.R. 5631, approved September 29, was assigned Public Law No. 109-289.

Memorandum on Extension of the Safety, Health, and Return-to-Employment (SHARE) Initiative *September 29, 2006*

Memorandum for the Heads of Executive Departments and Agencies

Subject: Extension of the Safety, Health, and Return-to-Employment (SHARE) Initiative

On January 9, 2004, I established the 3-year Safety, Health, and Return-to-Employment (SHARE) Initiative, and directed all executive branch agencies to participate in this Government-wide effort to improve safety and health in Federal workplaces. SHARE's four goals focus attention in the most critical areas of a safety, health, and injury case management program: lower total injury and illness case rates, lower lost-time injury and illness case rates, im-

proved timely reporting of injuries and illnesses, and reduced rates of lost production days due to work-related injuries and illnesses.

During the first 2 years of SHARE, most departments and agencies reduced their injury and illness and lost production day rates, and significantly improved the timely reporting of incidents. From 2003 to 2005 the Government as a whole achieved a 5.5 percent reduction in an injury and illness case rate, a 2.6 percent reduction in its lost-time injury and illness case rate, and a 43 percent increase in timely reporting. According to the Department of Labor, which leads the SHARE Initiative and tracks and reports its performance results,